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REMARKS

Claims rejections under 35 USC 103

The Examiner has rejected claims 58-63, 66-70, 72, 74 and 77 as being unpatentable over Yeager in view of Sellers, Wilcox and Khan 6,401,206. The Applicant has amended independent claims 58 and 68 herein to further distinguish his art from the prior art noted in the Office Action. In addition, the Applicant has previously noted that Examiner Hayes, in his 6/20/07 telecom and subsequent Interview notes, has indicated that Khan 6,401, 206 is not relevant or applicable as a prior art reference. Therefore, the elements, steps and art of Khan that are cited by the Examiner in this 4/19/07 office action are no longer valid.

Independent Claims 58 and 68

The Applicant has amended independent claims 58 and 68 herein to further distinguish his art from the prior art noted in the Office Action. Amended claims 58 and 68 are amended and pending in the application and are submitted for review.

Specifically, claim 58 contains the step of using a "unique digital identifier" stored in the portable device as a means of authenticating the device by comparing it to a separate "identified database." Since Kahn is no longer a relevant prior art reference this "unique digital identifier" element of claim 58 is not taught by the combination of Yeager, Sellers, and Wilcox.

Both Yeager and Sellers are very specific in their specifications in describing their portable storage devices. Yeager specifically limits his storage device (see pages 6 lines 28- 31 and page 7 lines 1-20) to a Dallas semiconductor RFID button storage device. Yeager is very detailed and specific in describing the use of this device and

even uses the language "the key memory technology employed by the present invention..." Line 5 of page 7 of Yeager specifically mentions a battery powered version of the Dallas datacell which denotes the use of a power source internal to the portable storage device. The Applicant has extensive experience with applying Dallas data cells and is also aware that they are, to be low user of electrical power, a single wire uni-directional data transfer device (they cannot transfer data in a bi-directional manner). Also, the reader wand of the Dallas device requires that the wand be in direct physical contact with the Dallas datacell. The Applicant suggests the Examiner visit the Dallas Maxim website for its ibutton products for further reference. The Applicant has modified claim 58 to add the features:

.... without requiring an on-board or internal battery or power source
-means for bi-directional flow of data to and from said storage device from any of said computer devices
-means of sending electrical power to said portable device from said computer devices during said docking
-means to access, display, and periodically update said digital records within said bodily worn storage device via a modem, Internet, central website, or wireless telecommunications link modality
-unique markings on the exterior of said portable device indicating it contains said medical records or vital personal information of said user.
-means to organize said records and vital personal information in page or template format for ease of viewing and use

Specifically Yeager and Sellers individually or combined do not teach a storage device without an on board battery, bi-directional data flow to and from the storage device, and linking the portable storage device to the Internet or a central website. Sellars page 6 lines 46-60 very specifically describes his "wireless modem" art as being the same as the way a cell phone communicates with another cell phone or a base unit and makes no mention of the Internet or a central website. In addition, it is noted that a modem is a separate technology than the Internet or a website and pre-dates both technologies. Sellars pages 4,5, and 6 make repeated reference to battery module 22 which is stored in his portable monitoring device. Sellars does not teach any means to have a portable device that can operate without an on board battery, or a system that has any means to provide remote power to his monitoring device.

References MPEP 2143-2143-2143.03 outline decisions pertinent to the criterion for valid rejections under USC 103. These references and the patent statutes describe three basic criterion which the Examiner must meet: 1) some suggestion or motivation in the cited references to combine the cited references, 2) there must be a reasonable expectation of success, 3) the prior art references, or the references when combined, must teach each and every of the claim limitations. The teaching or suggestion to make the cited combination and the reasonable expectation of success must both be found in the prior art and not based on the applicant's disclosure. Further, the patent statutes do not allow the Examiner to view the Applicant's art with impermissible hindsight in regard to combining said prior art references.

Claims 58 and 68 are being rejected under 35 USC 103 as being unpatentable over Yeager, in light of Wilcox, Sellers and Khan. The Applicant has modified his claims herein to further distinguish his art from the prior art. For at least the above reasons the combined prior art of Yeager in light of Wilcox, Sellers, and (with or without) Khan do not teach each and every element of claims 58 and 68 to support an obviousness rejection under 35 USC 103. Therefore, the rejection of claims 58 and 68 under 35 USC 103 as being unpatentable over Yeager in view of Wilcox, Sellers and (with or without) Khan should be withdrawn.

Claims 59-63 and 66-67 depend from claim 58. Therefore, the reasons set forth above distinguishing claim 58 apply equally here and are incorporated herein. Thus, for at least the above identified reasons Yeager in light of Seller, Wilcox and (with or without) Khan does not teach each and every element of claims 59-63 and 66-67 to support an obviousness rejection under 35 USC 103. Therefore, the rejection of claims 59-63 and 66-67 under 35 USC 103 as being unpatentable over Yeager, in view of Wilcox, Sellers and (with or without) Khan should be withdrawn.

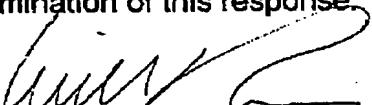
Claims 70, 72, 74, and 77 are being rejected under 35 USC 103 as being unpatentable over Yeager in light of Wilcox, Sellers and (with or without) Khan. Claims 70, 72, 74 and 77 depend from claim 68. Therefore, the reasons set forth above distinguishing claim 68 apply equally here and are incorporated herein. Thus, for at least the above identified reasons Yeager in view of Wilcox, Sellers, and (with or without) Khan does not teach each and every element of claims 70, 72, 74, and 77 to support an obviousness rejection under 35 USC 103. Therefore, the rejection of claims 70, 72, 74 and 77 under 35 USC 103 as being unpatentable over Yeager in view of Wilcox, Sellers and (with or without) Khan should be withdrawn.

Claims 64 and 65 depend from claim 58. Therefore, the reasons set forth above distinguishing claim 58 apply equally here and are incorporated herein. Thus, for at least the above identified reasons Yeager in light of Seller, Wilcox and (with or without) Khan does not teach each and every element of claims 64 and 65 to support an obviousness rejection under 35 USC 103. Therefore, the rejection of claims 64 and 65 under 35 USC 103 as being unpatentable over Yeager, in view of Wilcox, Sellers and (with or without) Khan should be withdrawn.

Claims 71, 73, 75 and 76 are being rejected under 35 USC 103 as being unpatentable over Yeager in light of Wilcox, Sellers and Khan. Claims 71, 73, 75 and 76 depend from claim 68. Therefore, the reasons set forth above distinguishing claim 68 apply equally here and are incorporated herein. Thus, for at least the above identified reasons Yeager in view of Wilcox, Sellers, and (with or without) Khan does not teach each and every element of claims 71, 73, 75, and 76 to support an obviousness rejection under 35 USC 103. Therefore, the rejection of claims 71, 73, 75 and 76 under 35 USC 103 as being unpatentable over Yeager in view of Wilcox, Sellers and (with or without) Khan should be withdrawn.

The applicant respectfully submits that all 103 rejections to the claims have been addressed by virtue of these amended claims. The applicant respectfully requests that the examiner allow amended claims 58-77 as presented herein.

The applicant respectfully submits that a petition for expedited examination for this application was granted in 2004, and the applicant respectfully requests an expedited examination of this response.



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